



# KENTUCKY BOARD OF DENTISTRY

## FALL 2000 NEWSLETTER

### PURPOSE OF THE BOARD OF DENTISTRY

The Kentucky Board of Dentistry was created by the General Assembly to protect the public by regulation of the practice of dentistry and dental hygiene through licensure, approval of educational standards, and the registration of dental laboratories and technicians. The Kentucky Board of Dentistry is a separate and distinct entity from any professional association and is an agency of the Commonwealth of Kentucky.

#### BOARD MEMBERS

Darlene Sand-Wall, D.M.D.  
President  
Crestview Hills, KY

Mary Ann Burch, R.D.H.  
Vice-President  
Frankfort, KY

Susan Ballou Gibson, D.M.D.  
Secretary-Treasurer  
Somerset, KY

William Smith, D.M.D.  
Henderson, KY

James Patterson, D.M.D.  
Louisville, KY

Matthew Gandolfo, D.M.D.  
Lexington, KY

William Dew, D.M.D.  
Hopkinsville, KY

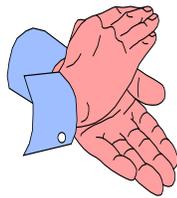
Dan Clagett, D.M.D.  
Elizabethtown, KY

William Henry  
Georgetown, KY

#### BOARD MEMBERS APPOINTED BY GOVERNOR PATTON

Dan Clagett, D.M.D., of Elizabethtown, KY and Mr. William Henry of Georgetown, KY have been appointed to the Kentucky Board of Dentistry, by Governor Paul E. Patton, for a term of four years, expiring June 30, 2004. Dr. Clagett is replacing Kim Westermann, D.M.D. of Louisville, KY who served on the Board for the past four years. Mr. Henry is replacing Mr. Bill Hughes of Bedford, KY who served on the Board for the past eight years.

#### OFFICERS OF THE BOARD 2000-2001 FISCAL YEAR



President

Darlene Sand-Wall, D.M.D.  
Crestview Hills, KY

Vice-President

Mary Ann Burch, R.D.H.  
Frankfort, KY

Secretary - Treasurer

Susan Gibson, D.M.D.  
Somerset, KY

#### BOARD MEETINGS

The Kentucky Board of Dentistry meets on the second Saturday of every other month. Meetings take place at the Board office located at 10101 Linn Station Rd., Suite 540, Louisville, Kentucky 40223. Meeting times and place may be changed with advanced notification. We would welcome any licensee's attendance. The meetings are open to the public unless. A portion of the meeting is closed as allowed by law.

#### LICENSE CERTIFICATES TO BE DISPLAYED IN OFFICE

All dentists and dental hygienists licensed and practicing in Kentucky must display in a conspicuous place in each office they practice, their license to practice dentistry or dental hygiene. If the licensee works in more than one office, a copy of the license may be displayed with a disclaimer of where the original license is displayed.

The Kentucky Board of Dentistry does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or provision of services.

It is the responsibility of each dentist before hiring a dentist or dental hygienist to make sure that such person holds a current Kentucky license before he or she can begin practicing. You may call the Board office to verify that a license has been issued, is current and in good standing.

**DUTIES OF A DENTAL ASSISTANT**

Numerous complaints come to the Board office in regards to dental assistants doing procedures that are only assigned to dentists and hygienists by law. The Board expects all licensed personnel to know the law and to consciously obey these laws. Laws relating to assistants can be found in your law book under 201 KAR 8:130 and 201 KAR 8:135.

 313.021	313.120
 313.030	313.160
 313.070	313.180
 313.080	313.307
 313.150	
 313.305	
 313.330	
 313.460	

The following are new, amended and repealed **REGULATIONS:**

**ACCESS TO HEALTH RECORDS BY PATIENTS**

Many calls are received at the Board office concerning dental records. Under KRS 422.317 patients are entitled to one copy of their records at **no cost**. The law does not contain any language, which would allow a dentist to refuse to release a copy of patient records when the patient owes the dentist money. If possible, radiographs should be a part of the record provided to the patient. However, If you have no way of reproducing the radiograph(s), the Board interprets KRS 422.317 that a written narrative of the radiograph would be sufficient to meet the requirement of KRS 422.317.

**New and Amended**

**Repealed**

 201 KAR 8:006	201 KAR 8:285
 201 KAR 8:130	201 KAR 8:300
 201 KAR 8:277	201 KAR 8:380
 201 KAR 8:220	
 201 KAR 8:390	
 201 KAR 8:400	
 201 KAR 8:440	

**SECURITY PRESCRIPTION PADS**

In the fall newsletter for 1998 there was an article on the new law for security prescription blanks for writing prescriptions for controlled substances. The Board office receives many calls in regards to this law. If you have questions regarding the law you will need to contact the **Department for Public Health, Drug Control Branch located at (502) 564-7985. This department is located in Frankfort, KY.**



**RENEWAL OF LICENSES**

This year will be the second biennial license renewal for dental hygienists. A few reminders when renewing your Kentucky Dental Hygiene license are:

-  The renewal fee is \$70.00 for the two-year renewal .
-  You must have accumulated 30 hours of CE by December 31, 2000, have taken a HIV/AIDS course, and be current in BLS. If you graduated in 1999 or were licensed in 2000, you will need to only have 15 hours of CE plus HIV/AIDS and be current in BLS. If you graduated in 2000, you are exempt from CE for this renewal period.
-  Renewal applications must be postmarked by 12/31/00 to avoid the \$25.00 reinstatement fee.
-  Make sure you review the information on the application and make any necessary changes.
-  Make sure you sign and date the back of the application.

**NEW LAW BOOKS**



All licensees will receive a new updated law book this year. Additional copies may be purchased by a written request accompanied by a check or money order made payable to the Kentucky Board of Dentistry in the amount of \$6.00 per law book requested.

The following are the new, amended and repealed **STATUTES:**

<b>New and Amended</b>	<b>Repealed</b>
 313.020	313.110

**REMEMBER: REPORT ANY CHANGE OF MAILING ADDRESS TO THE BOARD OFFICE!!!!**

- ☞ Make sure the application is filled out correctly and all areas have been filled out.
- ☞ Make sure you enclose your payment with the application.
- ☞ Do not send in proof of Continuing Education with the renewal. Each licensee must keep proof of CE for five (5) years.

**Dentist will renew their Kentucky license in 2001.**



### **CONTINUING EDUCATION REQUIREMENTS**

Effective January 1, 1999 the new continuing education law went into effect for dental hygienists. Effective January 1, 2000 the new continuing education law went into effect for dentists. The board tried to make this transition as easy as possible for all licensee's. All licensees were mailed copies of the new CE law along with a brochure that broke the law down into simpler terms. We continue to get many calls with questions concerning the new CE law.

There are 3 categories to this law, they are as follows:

**Category A** - This fulfills the HIV/AIDS and BLS(Basic Life Support) requirement. The hours taken for these courses do not count toward the 30 hours that each licensee is to obtain during a renewal period.

The HIV/AIDS course must be no less than two (2) hours and must be approved only by the Cabinet of Health Services (CHS). If you need information on the approval of a course, you need to call CHS at 502/564-6539 or visit their web-site at [http://publichealth.state.ky.us/ky\\_hiv aids\\_training\\_courses.htm](http://publichealth.state.ky.us/ky_hiv aids_training_courses.htm). You only need to take onecourse during each renewal cycle(every two years).

You must maintain current certification in BLS. All BLS courses must be certified by the American Heart Association (AHA) or the American Red Cross (ARC). If you are unsure as to whether a BLS course that you want to take is certified by the AHA or ARC do not call the board office for this information. You need to contact the provider of the course for this information.

**Category B** - Proof must be maintained by each licensee of no less than twenty (20) hours of scientific based dental related courses given in a presentation format. All 20 hours may be taken the

first year of the renewal cycle, they may be taken the second year of a renewal cycle, or they can be split up between the two years. All thirty (30) hours can be taken in Category B.

**Category C** - No more than 10 hours of category C courses can count towards the 30 hour requirement. Courses that are counted towards the category C requirement are:

1. Business courses - Two hours of business will be given for annual state dental or dental hygiene meetings. One hour of business points will be given for the following:

- Local society meetings
- Regional dental meetings
- National dental meetings
- Dental specialty meetings
- Study club meetings
- Hospital staff meetings
- Nursing home meetings

2. Home Study courses
3. Magazine or Journal Articles
4. Computer or Video Articles
5. Non-Dental Health Related Courses

There are many questions asked about the approval of courses. Courses are accepted if approved by one of the following:

1. Kentucky Board of Dentistry
2. American Dental Association (ADA)
3. Am Academy of General Dentistry (AGD)
4. Am Dental Hygienists Assoc. (ADHA)
5. U. S. Military
6. U. S. Dental Schools
7. Any U.S. College dental related courses
8. Any State Board of Dentistry

Documentation must be kept for all CE requirements, including HIV/AIDS and BLS. The Board requires that you keep this documentation for five (5) years.

## COMMON COMPLAINTS RECEIVED BY THE BOARD

The Kentucky Board of Dentistry receives many complaints that merit no disciplinary actions on a licensee and are in fact dismissed rather quickly. These complaints may relate to simple fee disputes or subjective dissatisfaction of services. The Board also receives complaints that merit and result in disciplinary action. These complaints may relate to quality of care issues, informed consent, advertising of dental services, and unlicensed persons performing dental services that are defined by law as the practice of dental hygiene.

A complaint that is filed with the Board against a licensee, is called an "initiating complaint. At the end of the compliant management process, a copy of the initiating complaint is retained in the licensee's file at the Board office even if no disciplinary action is taken based on the complaint.

Reviewing the following list could reduce the risk of an initiating complaint being filed against you:

- ☞ Read and know the Kentucky Dental Practice Act. A new revised informational law book will be mailed to you this year.
- ☞ Delegate to any unlicensed dental assistant only those functions permitted by the Kentucky Dental Practice Act.
- ☞ Make sure your advertising and promotional materials comply with the Kentucky Dental Practice Act, specifically, 201 KAR 8:006.
- ☞ Discuss and provide patients with a written statement of the procedures to be done, the office procedures, including fees, payment expectations, insurance filing, management of pediatric patients, cancellations and patient responsibilities. Document this in writing in the patient's dental record.
- ☞ Be specific with the patient regarding the procedure/s you will be following and the meaning of various terms. Document this in writing in the patient's dental record.
- ☞ Maintain standard, legible, written notes on all patients in the patient's dental record.

## LICENSES AND REGISTRATIONS FOR 2000

### DENTISTS

✓ Dentists Licensed in 2000	101
✓ Total Number Licensed in KY	2843
✓ Total Number Practicing in KY	2278

### HYGIENISTS

✓ Hygienists Licensed in 2000	108
✓ Total Number Licensed in KY	1758
✓ Total Number Practicing in KY	1469

### LABORATORIES & TECHNICIANS

✓ Total # of Labs Registered	393
✓ Total # of Techs Registered	1237

☞ Practice infection control and maintain universal precautions for you and all your staff at all time.

☞ Know your limitations, and practice within the area of your professional competence.

If you are ever unsure as to legal appropriateness of any of your actions, consult a private attorney of your own choosing. Or, you may write the Board for an opinion. Requests for opinions may be answered by the Board in writing if relevant to the general dental populations.

## BOARD REFERS CASE FOR CRIMINAL PROSECUTION

In April, 2000, the Kentucky Board of Dentistry referred a case to the Campbell and Boone county attorneys for possible criminal action. The case involved an Alabama licensed dental hygienist who practiced dental hygiene for five dentists in Northern Kentucky without a license issued by the Kentucky Board of Dentistry. According to the Board's investigation, one Stacie Avery had represented herself as a Kentucky licensed dental hygienist when in fact Ms. Avery had not applied for and could not qualify for a Kentucky license had she applied.

At the time of the Board's referrals to the county attorneys, Ms. Avery was no longer working in any dental office. Yet, both the Campbell and Boone

county attorneys filed criminal charges against Ms. Avery for practicing without a Kentucky dental hygiene license and for holding herself out to the public as a Kentucky licensed dental hygienist. Ms. Avery was sentenced to a diversion program for first-time offenders in each of the two cases.

Disciplinary actions against each of the five employing dentists were brought and settled by the Board.



### **RADIATION SAFETY COURSE FOR DENTAL ASSISTANTS**

All dental assistants must have passed a course approved by the Kentucky Board of Dentistry on Radiation Safety **BEFORE** they are allowed to take x-rays in the dental office.

A new regulation went into effect on May 10, 2000, requiring the course to include two (2) parts:

1. A minimum of a six (6) hour course in dental radiography safety approved by the Board. Written documentation must be kept on file in the dentist office.
2. Technique instruction:  
A minimum of four (4) hours of instruction by the dentist in dental radiography technique while under the employment and supervision of the dentist in the office where the dentist practices.

### **OR**

Maintains written documentation that the dental auxiliary personnel have completed a minimum of a four (4) hour course in radiography technique approved by the Board.

Assistants, who have already taken a six hour (6) course in radiation safety and can supply proof of this, do not have to take the course again. Written documentation of completion of this course must be kept on file in the dentist office. Even though they will not have to take the radiation safety course over, each assistant will be required to have the four hours of technique instruction.

The dentist must continuously supervise and inspect the dental auxiliary personnel while taking radiographs.

Licensed and registered dental hygienists are deemed to meet the requirements of this

administrative regulation are not required to take this course.

### **RADIATION BADGES IN DENTAL OFFICE**

In the fall newsletter for 1999 there was an article on the Dosimetry Monitoring Guidelines. The Board office is still receiving many calls in regards to this. If you have question concerning the Dosimetry Monitoring Guidelines you need to contact **Dewey Crawford at the Cabinet for Health Services at (502) 564-3700 located in Frankfort, KY.**

### **WELL BEING COMMITTEE**

I want to thank the Kentucky Board of Dentistry again for offering this opportunity to reach all of the licensed dentists and hygienists of our state of Kentucky .

Although the Well Being Committee has been active and organized for over **ten years** we still have practicing professionals who ask "Who are you and what do you do?"

The Well Being Committee is a committee of the Executive Board of the Kentucky Dental Association. All eleven component societies of the K.D.A., the Dental Hygienists Association, University of Louisville, University of Kentucky, (both students and faculty ) and the Kentucky Board of Dentistry, are represented on the Well Being Committee as members or as consultants from their respective areas.

What a tremendous amount of dedication and expertise we have available, to be able to help those we serve!!

Our primary mission is to advocate for any practitioner who is having a problem with chemical dependency, including alcohol, illegal drugs or prescription drugs in a precise and **confidential** manner.

The Well Being Committee is committed to the premise of offering help and a solution before any other action is considered.

In our roll to advocate for the practitioners, we also become the strong advocate for the patient or consumer.

So many people are concerned about confidentiality. It is a genuine concern and at a fragile time to an individual, can result in an individual not asking for help.

The Well Being Committee pledges confidentiality in all conversations, and contractual relationships with those individuals who need our help. However, there are two exceptions to this pledge and are covered in the following paragraphs.

The exceptions to our fundamental and strict rule of confidentiality are:

1. A practitioner has already been reported to the Board of Dentistry with a complaint of chemical abuse by a patient, colleague, or others and we are asked to help by the Board of Dentistry.

The Well Being Committee will then share progress information with the Board while the individual is in our program. In the large majority of cases, the practitioner is able to continue his or her practice as long as compliance of the contract with the Well Being Committee is maintained. As stated in a previous article, this is an example of cooperation between a state liceninsg board and a help committee of the KDA at its Best.

2. A practitioner violates the contractual relationship with the Well Being Committee and the consumer possibly would be in a position of jeopardy. The Well Being committee reserves the right to protect the patient by taking appropriate action.

In closing, so many individuals ask, "Why do you do what you do?" Our answer remains very simple; **We Care!**

As always, our many thanks to all those who have supported our efforts to help those who need us.

John G. Green, DMD  
Chair, Well Being Committee  
Kentucky Dental Association

**Well Being Help Line**  
**502/459-5373**  
**502/896-9752**